

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:15-cr-00105-MR-WCM**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FRANKLIN ANTHONY OLIVER,

Defendant.

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ORDER

THIS MATTER is before the Court upon the Defendant's letter, which the Court construes as a motion for early termination of probation [Doc. 33].

In June 2016, the Defendant pled guilty pursuant to a written plea agreement to one count of knowingly selling a firearm to a convicted felon, in violation of 18 U.S.C. § 922(d)(1). The Defendant was sentenced in December 2016 to a term of five years of probation. [Doc. 31]. The Defendant now moves the Court to exercise its discretion and terminate his term of probation. [Doc. 33].

In order to terminate a defendant's term of probation, the Court must be "satisfied that such action is warranted by the conduct of the defendant and the interest of justice." 18 U.S.C. § 3564(c). The Defendant has only

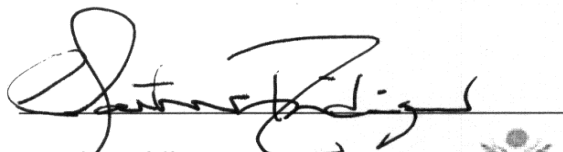
recently crossed the threshold of having served two-thirds of his probationary sentence, which is the minimum for consideration of early termination. Additionally, the support by the appropriate authorities for such termination has been less than complete. Upon careful consideration of the record, and after consultation with the Defendant's supervising probation officer and the prosecutor, the Court is not satisfied that termination of the Defendant's term of probation is warranted at this time.

Accordingly, **IT IS, THEREFORE, ORDERED** that the Defendant's letter, which the Court construes as a motion for early termination of probation [Doc. 33] is **DENIED without prejudice**. The Defendant's term of probation shall continue as originally sentenced.

The Clerk is directed to serve a copy of this Order on the Defendant, counsel for the Government, and the United States Probation Office.

IT IS SO ORDERED.

Signed: May 21, 2020


Martin Reidinger
United States District Judge

